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February 11, 2020

BY EMAIL

Mr. Eric Soskin
Federal Programs Branch
Civil Division, U.S. Department of Justice
1100 L Street, N.W.
Washington, D.C. 20530
eric.soskin@usdoj.gov

Re: Breach of Settlement Agreement

Dear Mr. Soskin:

I write in follow-up to my January 15, 2020 letter to you regarding the Settlement Agreement of June 29, 2018 (“Settlement Agreement”), which binds the United States Department of State, the Secretary of State, the Directorate of Defense Trade Controls, the Deputy Assistant Secretary, Defense Trade Controls, and the Director of the Office of Defense Trade Controls Policy (collectively the “State Department”).

Despite the compliance demand issued by my prior letter, the State Department has failed to issue a license in compliance with the Settlement Agreement Section 1(c); failed to issue an acknowledgement about that license in compliance with Settlement Agreement Section 1(d); and failed to appeal the final judgment in *Washington v. U.S. Dep’t of State*, No. 2-18-1115-RSL (W.D. Wash.) and seek reversal of the district court’s decision to vacate the license originally issued by the State Department. The State Department therefore remains in breach of Settlement Agreement Section 1(c) and Settlement Agreement Section 1(d).

This wrongdoing constitutes a final agency action under the Administrative Procedure Act’s provisions for judicial review. *See* 5 U.S.C. § 702. We will enforce all of our rights accordingly, and because of the State Department’s failure to proffer any justification at all – let alone a “substantial justification,” 28 U.S.C. § 2412(d) - such enforcement actions will include recovery of all attorney’s fees incurred henceforth.

Sincerely,

FARHANG & MEDCOFF PLLC



Matthew A. Goldstein

cc: Stuart Robinson (Stuart.J.Robinson@usdoj.gov)